

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Sidley Austin LLP, 555 California Street, San Francisco, California 94104.

On October 18, 2007, I served the document(s) described as:

**DEFENDANT ELI LILLY AND COMPANY'S RE-NOTICE OF MOTION TO DISMISS UNDER RULES 12(b)(1), 12(b)(6) AND 9(b)**

on all interested parties in this action as follows:

☒ (U.S. MAIL) I served the foregoing document(s) by U.S. Mail, as follows: I placed true copies of the document(s) in a sealed envelope addressed to the interested party as shown below. I placed each such envelope for collection and mailing at Sidley Austin LLP, San Francisco, California. I am readily familiar with the Firm's business practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid.

Mark Zahner, Chief Prosecutor  
Brian V. Frankel, Supervising Attorney General  
1455 Frazee Road, Suite 315  
San Diego, CA 92108

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 18, 2007, at San Francisco, California.

By: Lisa C. Donohue  
Lisa C. Donohue